

Serial No.: 09/468,785
Atty. Docket No.: P64616US0

REMARKS

The Office Action mailed May 7, 2004, has been carefully reviewed and Applicants note with appreciation the identification of allowable subject matter.

By this Amendment, Applicants have canceled claims 48, 53 and 58, and amended claims 1, 2, 16, 17, 31, 32, 49, 50, 54, 55, 59 and 60. Claims 1-4, 16-19, 31-34, 46, 47, 49-52, 54-57, 59 and 60 are pending in the application. Claims 1, 2, 16, 17, 31 and 32 are the independent claims. In view of the above amendments and the following remarks, favorable reconsideration in this application is respectfully requested.

The Examiner stated that the listing of references in the specification was not a proper Information Disclosure Statement (IDS) and further that the IDS filed by the Applicants on November 6, 2000, was not in compliance with 37 C.F.R. 1.98(a)(1).

Applicants acknowledge that, to be considered by the Examiner, references which have been discussed in the specification must be submitted in a separate paper in accordance with 37 C.F.R. 1.98. However, 37 C.F.R. 1.98(a)(1) does *not* require that *every* reference discussed in the specification be submitted in an IDS. Indeed, references may be discussed in the specification for a particular purpose but which are only tangentially related to the application. Rather, 37 C.F.R. 1.98(a)(1) simply states that all references *to be considered* by the Examiner must be filed in a list that complies with 37 C.F.R. 1.98.

In the IDS filed November 6, 2000, Applicants submitted those references considered by the inventors as persons of ordinary skill in the art to be material out of the

Serial No.: 09/468,785
Atty. Docket No.: P64616US0

references discussed in the specification. The references that were discussed in the specification but which were not submitted in an IDS have been examined by the inventors in accordance with the requirements of 37 C.F.R. 1.56 and are considered to be of a background nature only and/or cumulative to art already on the record. In that 37 C.F.R. 1.56(a) provides that there is no duty to submit information which is not material to the patentability of any existing claim, the fact that an IDS is filed with fewer than all the references mentioned in the specification does not render such IDS to be defective. Accordingly, the IDS filed on November 6, 2000, is a proper IDS and the references submitted therewith should be considered by the Examiner.

The Examiner rejected claims 1, 16 and 31 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,289,342 to Lawrence et al. ("Lawrence"), and rejected claims 2-4, 17-19, 32-34, 46, 47, 51, 52, 56 and 57 under 35 U.S.C. 103(a) as being unpatentable over Lawrence in view of U.S. Patent No. 5,638,543 to Pedersen et al. ("Pedersen").

The Examiner objected to claims 48-50, 53-55 and 58-60 as being dependent on a rejected base claim but stated that claims 48-50, 53-55 and 58-60 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In the Examiner's stated reasons for indication of allowable subject matter, the Examiner stated that the prior art does not teach nor fairly suggest calculating respective initial content scores (ICS) for sentences in the citing documents based on the

Serial No.: 09/468,785
Atty. Docket No.: P64616US0

content words in the sentences, and calculating respective content scores (CS) for the sentences in the citing documents based on at least the ICS and the distances (of the sentences in the citing documents from respective citing instances of the cited document).

By this Amendment, Applicants have amended claims 2, 17 and 32 to include the limitations of claims 48, 53 and 58, respectively. Accordingly, claims 2, 17 and 32 represent the subject matter of claims 48, 53 and 58 rewritten in independent form and are in condition for allowance in accordance with the Examiner's indication of allowable subject matter.

In addition, in view of the Examiner's stated reasons for allowance and the general correlation between claims 1 and 2, claims 16 and 17, and claims 31 and 32, respectively, Applicants have further amended claims 1, 16 and 31 to include the subject matter of claims 48, 53 and 58, respectively. Therefore, claims 1, 16 and 31 now fully incorporate the subject matter of claims 48, 53 and 58 as rewritten in independent form, including calculating respective initial content scores (ICS) for *text units* in the citing documents based on the content words in the *text units*, and calculating respective content scores (CS) for the *text units* in the citing documents based on at least the ICS and the distances (of the *text units* in the citing documents from respective citing instances of the cited document). In view of the general correspondence between amended claims 1, 16 and 31 and amended claims 2, 17, 32, Applicants present amended claims 1, 16 and 31 as also being in

Serial No.: 09/468,785
Atty. Docket No.: P64616US0

condition for allowance in accordance with the Examiner's identification of allowable subject matter and stated reasons for the indication thereof.

Claims 3, 4, 18, 19, 33, 34, 46, 47, 49-52, 54-57, 59 and 60 are in condition for allowance as claims properly dependent on an allowable base claim.

The claims having been amended to place the application into condition for allowance in accordance with the subject matter indicated by the Examiner to patentably define over the prior art, and no new substantive matters being raised, the foregoing Amendment is presented as proper after Final Action and entry thereof is respectfully requested so that the application may be passed to issue.

Should there be any informalities remaining or should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By 
Allen S. Melser
Reg. No. 27,215

400 Seventh Street, N.W.
Washington, D.C. 20004
Telephone: (202) 638-6666
Date: August 9, 2004

R:\SBAILEY\8-04\P64616US.116